

108TH CONGRESS
1ST SESSION

S. 104

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2003

Mr. HOLLINGS (for himself, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. BURNS, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Ms. COLLINS, Mr. CORZINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mr. MILLER, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49;**

4 **TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “National Defense Rail Act”.

1 (b) AMENDMENT OF TITLE 49.—Except as otherwise
 2 expressly provided, whenever in this Act an amendment
 3 or repeal is expressed in terms of an amendment to, or
 4 a repeal of, a section or other provision, the reference shall
 5 be considered to be made to a section or other provision
 6 of title 49, United States Code.

7 (c) TABLE OF CONTENTS.—The table of contents for
 8 this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of contents.
 Sec. 2. Findings.

TITLE I—RAIL TRANSPORTATION SECURITY

Sec. 101. Rail transportation security risk assessment.
 Sec. 102. Rail security.
 Sec. 103. Study of foreign rail transport security programs.
 Sec. 104. Passenger, baggage, and cargo screening.
 Sec. 105. Certain personnel limitations not to apply.
 Sec. 106. Authorization of appropriations.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

Sec. 201. Interstate railroad passenger high-speed transportation policy.
 Sec. 202. High-speed rail corridor planning.
 Sec. 203. Implementation assistance.
 Sec. 204. Designated high-speed rail corridors.
 Sec. 205. Labor standards.
 Sec. 206. Railway-highway crossings in high-speed rail corridors.
 Sec. 207. Authorization of appropriations.

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

Sec. 301. National railroad passenger transportation system defined.
 Sec. 302. Amtrak authorizations.
 Sec. 303. Additional Amtrak authorizations.
 Sec. 304. Northeast Corridor authorizations.
 Sec. 305. Long distance trains.
 Sec. 306. Short distance trains; State-supported routes.
 Sec. 307. Re-establishment of Northeast Corridor Safety Committee.
 Sec. 308. On-time performance.
 Sec. 309. Amtrak board of directors.
 Sec. 310. Establishment of financial accounting system for Amtrak operations
 by independent auditor.
 Sec. 311. Development of 5-year financial plan.
 Sec. 312. Revised reporting methodology required.
 Sec. 313. Appropriated amounts to be spent proportionately.

Sec. 314. Independent auditor to establish criteria for Amtrak route and service planning decisions.

TITLE IV—MISCELLANEOUS

Sec. 401. Rehabilitation, improvement, and security financing.

Sec. 402. Rail passenger cooperative research program.

Sec. 403. Conforming amendments to title 49 reflecting ICC Termination Act.

Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Financial investment in passenger rail in-
4 frastructure is critical, and Federal leadership is re-
5 quired to address the needs of a reliable, safe, secure
6 passenger rail network, just as has been used in es-
7 tablishing the interstate highway system and the
8 Federal aviation network.

9 (2) Lack of investment and attention to the
10 needs of passenger rail infrastructure has resulted in
11 a weak passenger rail network, and has caused a
12 strain on the capacity of other modes of transpor-
13 tation in many areas of the country. According to
14 the Department of Transportation, in 1999 the cost
15 of wasted time and extra fuel consumption due to
16 delays on congested roads was estimated at \$78 bil-
17 lion.

18 (3) Passenger rail is an integral part of the
19 United States transportation system, and, as can be
20 evidenced in the Northeast Corridor, relieves the
21 pressures of congestion on highways and at airports,

1 and creates a more balanced system of transpor-
2 tation alternatives.

3 (4) Passenger rail service has been a vital in-
4 strument in the transportation needs of our nation.
5 For instance, during World War II, the privately
6 owned, operated, and constructed railroad industry
7 transported 90 percent of all defense freight, and 97
8 percent of all defense personnel transported to
9 points of embarkation for theaters of action. By the
10 end of the war, railroads accounted for three quar-
11 ters of the share of the common carrier share of
12 intercity traffic, with airplanes and buses sharing
13 the remaining quarter of traffic.

14 (5) Significant attention and Federal funding
15 were required to construct the Eisenhower System of
16 Interstate and Defense Highways. The Federal Aid
17 Highway Act of 1956 established a Highway Trust
18 Fund based upon Federal user taxes in order to fi-
19 nance up to 90 percent of the costs of the \$25 bil-
20 lion dollar highway construction plan.

21 (6) Federal policies with respect to investment
22 in aviation resulted in a strengthened aviation indus-
23 try and the rapid development of air passenger serv-
24 ice, and by the late 1960's most rail companies were

1 petitioning the government to discontinue passenger
2 services because of losses.

3 (7) Amtrak was established in 1971 by the Rail
4 Passenger Service Act of 1970 to provide passenger
5 rail services in the United States as a public service;
6 at the time of Amtrak's formation, freight railroads
7 were losing money on unprofitable passenger rail op-
8 erations. Since 1971 Amtrak has received only \$25
9 billion in public subsidies; during that period, the
10 United States invested over \$570 billion on highways
11 and aviation.

12 (8) The Amtrak Reform and Accountability Act
13 of 1997, and preceding statutes, resulted in creating
14 conflicting missions for the National Railroad Pas-
15 senger Corporation of both serving a public function
16 by operating unprofitable long-distance routes while
17 also attempting to operate at a profit. This policy
18 has also restricted Amtrak's profit potential on the
19 Northeast Corridor by limiting the capital expendi-
20 tures to help defray other costs.

21 (9) Due to a lack of capital investment, the
22 Northeast Corridor has accumulated a backlog of re-
23 pair needs, including life safety and security needs.
24 Investment in the capital needs of the Northeast
25 Corridor would result in capacity improvements

1 which would result in greater utilization of the exist-
2 ing infrastructure.

3 (10) The Department of Transportation Inspec-
4 tor General's 2001 Assessment of Amtrak's Finan-
5 cial Performance and Requirements (Report #CR-
6 2002-075) found that Amtrak's lack of available
7 capital has impeded its efforts to achieve financial
8 goals.

9 (11) In order to attempt to meet the mandate
10 of the Amtrak Reform and Accountability Act of
11 1997, Amtrak has been forced to delay capital im-
12 provement projects and other projects which would
13 produce long-term benefits.

14 (12) The Department of Transportation Inspec-
15 tor General's 2001 Assessment of Amtrak's Finan-
16 cial Performance and Requirements (Report #CR-
17 2002-075) found that Amtrak's most profitable op-
18 erations are on the Northeast Corridor, where Fed-
19 eral investment in passenger rail infrastructure has
20 been significantly higher than anywhere else in the
21 country.

22 (13) Federal investments in capital projects to
23 support passenger rail in areas other than the
24 Northeast Corridor would result in improved service
25 and increase profitability.

1 (14) The need for a balanced interstate and
2 international transportation system that provides a
3 viable alternative to travel by private automobile or
4 commercial aircraft is particularly evident after the
5 events of September 11, 2001.

6 (15) As a matter of national security, a strong
7 passenger rail network would provide travelers an al-
8 ternative to highway and air travel, which could lead
9 to reduced United States reliance on foreign oil im-
10 ports.

11 (16) In fiscal year 2001, the United States
12 spent less than 1 percent of all transportation modal
13 spending on intercity passenger rail, and since 1998
14 Amtrak has received only \$2.8 billion of the \$5.3 bil-
15 lion it has been authorized to receive by Congress.

16 (17) Passenger rail in the United States has no
17 stable funding source, in contrast to highways, avia-
18 tion, and transit.

19 (18) Per capita spending on passenger rail is
20 much higher in other countries than the United
21 States and, in fact, the United States ranks behind
22 other countries including Canada, Japan, France,
23 Great Britain, Italy, Spain, Austria, Switzerland,
24 Belgium, Sweden, Luxembourg, Denmark, Ireland,

1 Norway, the Czech Republic, Finland, Slovakia, Por-
2 tugal, Poland, South Africa, Greece, and Estonia.

3 (19) The United States needs to engage in
4 long-term planning to foster and address future pas-
5 senger transportation growth and show forethought
6 regarding transportation solutions rather than be
7 forced to act due to an impending crisis.

8 (20) It is in the national interest to preserve
9 passenger rail service in the United States and to
10 maintain the solvency of the National Railroad Pas-
11 senger Corporation.

12 (21) Long-term planning and support for pas-
13 senger rail will help offset the emerging problems
14 created by transportation congestion, and contribute
15 to a cleaner and more environmentally-friendly
16 transportation system.

17 (22) A comprehensive re-evaluation of our na-
18 tion's rail passenger policy is required and a clearly
19 defined role for Amtrak and a connected rail pas-
20 senger network must be established.

21 (23) The Federal government must take the
22 primary responsibility for developing national rail-
23 road passenger transportation infrastructure, and
24 help ensure that it functions as an efficient network.
25 Privatization of the rail passenger industry in Great

1 Britain has been disastrous and passenger service
2 has suffered overall.

3 (24) The nation should be afforded the oppor-
4 tunity to receive safe, efficient, and cost-effective rail
5 passenger services, taking into account all benefits
6 to the nation as a whole.

7 **TITLE I—RAIL**
8 **TRANSPORTATION SECURITY**

9 **SEC. 101. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
10 **MENT.**

11 (a) IN GENERAL.—

12 (1) ASSESSMENT.—The Secretary of Homeland
13 Security, in consultation with the Secretary of
14 Transportation, shall assess the security risks asso-
15 ciated with freight and intercity passenger rail
16 transportation and develop prioritized recommenda-
17 tions for—

18 (A) improving the security of rail infra-
19 structure and facilities, terminals, tunnels, rail
20 bridges, rail switching areas, and other areas
21 identified by the Secretary as posing significant
22 rail-related risks to public safety and the move-
23 ment of interstate commerce, taking into ac-
24 count the impact that any proposed security

1 measure might have on the provision of rail
2 service;

3 (B) deploying chemical and biological
4 weapon detection equipment;

5 (C) training employees in terrorism re-
6 sponse activities; and

7 (D) identifying the immediate and long-
8 term economic impact of measures that may be
9 required to address those risks.

10 (2) EXISTING PRIVATE AND PUBLIC SECTOR
11 EFFORTS.—The assessment shall include a review of
12 any actions already taken or prospective actions nec-
13 essary to address identified security issues by both
14 public and private entities.

15 (3) RAILROAD CROSSING DELAYS.—The Sec-
16 retary shall include in the assessment an analysis of
17 the risks to public safety and to the security of rail
18 transportation that are associated with long delays
19 in the movement of trains that have stopped on rail-
20 road grade crossings of highways, streets, and other
21 roads for motor vehicle traffic, especially in major
22 metropolitan areas. The Secretary shall include in
23 the recommendations developed under paragraph (1)
24 recommended actions for preventing such delays and
25 reducing the risks identified in the analysis.

1 (b) CONSULTATION; USE OF EXISTING RE-
2 SOURCES.—In carrying out the assessment required by
3 subsection (a), the Secretary shall consult with rail man-
4 agement, rail labor, facility owners and operators, and
5 public safety officials (including officials responsible for
6 responding to emergencies).

7 (c) REPORT.—

8 (1) CONTENTS.—Within 180 days after the
9 date of enactment of this Act, the Secretary shall
10 transmit to the Senate Committee on Commerce,
11 Science, and Transportation and the House of Rep-
12 resentatives Committee on Transportation and In-
13 frastructure a report, without compromising national
14 security, containing the assessment and prioritized
15 recommendations required by subsection (a).

16 (2) FORMAT.—The Secretary may submit the
17 report in both classified and redacted formats if the
18 Secretary determines that such action is appropriate
19 or necessary.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary
22 \$515,000,000 for fiscal year 2004 to carry out this sec-
23 tion, implement the measures contained in the Secretary's
24 prioritized recommendations, and award grants for pur-

1 poses identified in the assessment in subsection (a), such
 2 sums to remain available until expended.

3 **SEC. 102. RAIL SECURITY.**

4 (a) RAIL POLICE OFFICERS.—Section 28101 is
 5 amended by striking “the rail carrier” each place it ap-
 6 pears and inserting “any rail carrier”.

7 (b) REVIEW OF RAIL REGULATIONS.—Within 180
 8 days after the date of enactment of this Act, the Secretary
 9 of Transportation, in consultation with the Department of
 10 Homeland Security, shall review existing rail regulations
 11 of the Department of Transportation for the purpose of
 12 identifying areas in which those regulations need to be re-
 13 vised to improve rail safety and security.

14 **SEC. 103. STUDY OF FOREIGN RAIL TRANSPORT SECURITY**
 15 **PROGRAMS.**

16 (a) REQUIREMENT FOR STUDY.—Not later than De-
 17 cember 1, 2004, the Comptroller General shall carry out
 18 a study of the rail passenger transportation security pro-
 19 grams that are carried out for rail transportation systems
 20 in Japan, member nations of the European Union, and
 21 other foreign countries.

22 (b) PURPOSE.—The purpose of the study shall be to
 23 identify effective rail transportation security measures
 24 that are in use in foreign rail transportation systems, in-

cluding innovative measures and screening procedures determined effective.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress. The report shall include the Comptroller General’s assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 104. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Homeland Security shall—

(1) study the cost and feasibility of requiring security screening for all passengers, baggage, and mail, express, and other cargo on Amtrak trains; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing a rail security screening program to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives one year after the date of enactment of this Act.

(b) PILOT PROGRAM.—As part of the study under subsection (a), the Secretary shall conduct a pilot program

1 of random security screening of passengers and baggage
 2 at 5 of the 10 busiest passenger rail stations served by
 3 Amtrak (measured by the average number of boardings
 4 of Amtrak passenger trains) and at up to five additional
 5 rail stations served by Amtrak that are selected by the
 6 Secretary. In selecting the additional train stations the
 7 Secretary shall attempt to achieve a distribution of partici-
 8 pating stations in terms of geographic location and size.

9 **SEC. 105. CERTAIN PERSONNEL LIMITATIONS NOT TO**
 10 **APPLY.**

11 Any statutory limitation on the number of employees
 12 in the Transportation Security Administration of the De-
 13 partment of Transportation, before or after its transfer
 14 to the Department of Homeland Security, does not apply
 15 to the extent that any such employees are responsible for
 16 implementing the provisions of this title.

17 **TITLE II—INTERSTATE RAIL-**
 18 **ROAD PASSENGER HIGH-**
 19 **SPEED TRANSPORTATION**
 20 **SYSTEM**

21 **SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED**
 22 **TRANSPORTATION POLICY.**

23 (a) IN GENERAL.—Chapter 261 is amended by insert-
 24 ing before section 26101 the following:

1 **“§ 26100. Policy.**

2 “(a) IN GENERAL.—The Congress declares that it
3 is the policy of the United States that designated high-
4 speed railroad passenger transportation corridors are the
5 building blocks of an interconnected interstate railroad
6 passenger system that serves the entire Nation.

7 “(b) SECRETARY REQUIRED TO ESTABLISH NA-
8 TIONAL HIGH-SPEED GROUND TRANSPORTATION POL-
9 ICY.—The Secretary of Transportation shall establish the
10 national high-speed ground transportation policy required
11 by section 309(e)(1) of this title no later than December
12 31, 2003.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) The chapter analysis for chapter 261 is
15 amended by inserting before the item relating to sec-
16 tion 26101 the following:

“26100. Policy”.

17 (2) Section 309(e)(1) is amended by striking
18 “Within 12 months after the submission of the
19 study required by subsection (d),” and inserting “No
20 later than December 31, 2003,”.

21 **SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.**

22 (a) IN GENERAL.—Section 26101(a) is amended to
23 read as follows:

24 “(a) PLANNING.—

1 “(1) IN GENERAL.—The Secretary of Transpor-
2 tation shall provide planning assistance to States or
3 group of States and other public agencies promoting
4 the development of high-speed rail corridors des-
5 ignated by the Secretary under section 104(d) of
6 title 23.

7 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
8 NANCIAL ASSISTANCE.—The Secretary may provide
9 planning assistance under paragraph (1) directly or
10 by providing financial assistance to a public agency
11 or group of public agencies to undertake planning
12 activities approved by the Secretary.

13 “(3) 100 PERCENT FEDERAL FUNDING.—The
14 Secretary may permit, but may not require, a por-
15 tion of the publicly financed costs associated with el-
16 igible activities to come from non-Federal sources.

17 “(4) PRIORITIES TO CHICAGO, ATLANTA, DAL-
18 LAS/FORT WORTH, PORTLAND, AND ORLANDO.—In
19 determining projects to be undertaken pursuant to
20 this paragraph, the Secretary shall give the highest
21 priorities to undertaking planning in the vicinity of
22 Union Station in Chicago, Illinois, in metropolitan
23 Atlanta, Georgia, in the Dallas/Fort Worth, Texas,
24 area, in the Portland, Oregon, area, and on the Or-
25 lando Corridor in Florida.”.

1 (b) CONFORMING AND OTHER AMENDMENTS TO
 2 SECTION 26101.—Section 26101 is further amended—

3 (1) by striking subsection (c)(2) and inserting
 4 the following:

5 “(2) the extent to which the proposed planning
 6 focuses on high-speed rail systems, giving a priority
 7 to systems which will achieve sustained speeds of
 8 125 miles per hour or greater and projects involving
 9 dedicated rail passenger rights-of-way;”;

10 (2) by inserting “and” after the semicolon in
 11 subsection (c)(12);

12 (3) by striking “completed; and” in subsection
 13 (c)(13) and inserting “completed.”; and

14 (4) by striking subsection (c)(14).

15 (c) CONFORMING AMENDMENT.—Section
 16 26105(2)(A) is amended by striking “more than 125 miles
 17 per hour;” and inserting “90 miles per hour or more;”.

18 (d) FINANCIAL ASSISTANCE TO INCLUDE LOANS
 19 AND LOAN GUARANTEES.—Section 26105(1) is amended
 20 by inserting “loans, loan guarantees,” after “contracts,”.

21 **SEC. 203. IMPLEMENTATION ASSISTANCE.**

22 (a) IN GENERAL.—Chapter 261 is amended by in-
 23 serting after section 26101 the following:

24 **“§ 26101A. Implementation of corridor plans**

25 **“(a) IMPLEMENTATION ASSISTANCE.—**

1 “(1) IN GENERAL.—The Secretary of Transpor-
2 tation shall provide implementation assistance to
3 States or group of States and other public agencies
4 promoting the development of high-speed rail cor-
5 ridors designated by the Secretary under section
6 104(d) of title 23. The Secretary shall establish an
7 application and qualification process and, before pro-
8 viding assistance under this section, make a deter-
9 mination on the record that the applicant is quali-
10 fied and eligible for assistance under this section.

11 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
12 NANCIAL ASSISTANCE.—The Secretary may provide
13 implementation assistance under paragraph (1) di-
14 rectly or by providing financial assistance to a public
15 agency or group of public agencies to undertake im-
16 plementation activities approved by the Secretary.

17 “(3) 100 PERCENT FEDERAL SHARE.—The Sec-
18 retary may permit, but may not require, a portion
19 of the publicly financed costs associated with eligible
20 activities to come from non-Federal sources.

21 “(4) CONTRIBUTION OF LAND.—Notwith-
22 standing paragraph (3), the Secretary may accept
23 land contributed by a State for right-of-way, without
24 regard to whether the State acquired the land di-
25 rectly or indirectly through the use of Federal funds,

1 including transfers from the Highway Trust Fund
 2 under section 9503 of the Internal Revenue Code of
 3 1986.

4 “(5) PRIORITIES TO CHICAGO, ATLANTA, DAL-
 5 LAS/FORT WORTH, PORTLAND, AND ORLANDO.—In
 6 determining projects to be undertaken pursuant to
 7 this subsection, the Secretary shall give the highest
 8 priorities to undertaking implementation assistance
 9 in the vicinity of Union Station in Chicago, Illinois,
 10 in metropolitan Atlanta, Georgia, and in the Dallas/
 11 Fort Worth, Texas, area, in the Portland, Oregon,
 12 area, and on the Orlando Corridor in Florida.

13 “(6) SPECIAL TRANSPORTATION CIR-
 14 CUMSTANCES.—In carrying out this section, the Sec-
 15 retary shall allocate an appropriate portion of the
 16 amounts available for implementation assistance to
 17 providing appropriate related assistance in any State
 18 the rail transportation system of which—

19 “(A) is not physically connected to rail sys-
 20 tems in the continental United States; and

21 “(B) may not otherwise qualify for high-
 22 speed rail implementation assistance due to the
 23 constraints imposed on the railway infrastruc-
 24 ture in that State due to the unique character-
 25 istics of the geography of that State or other

1 relevant considerations, as determined by the
2 Secretary.

3 “(b) ELIGIBLE IMPLEMENTATION ACTIVITIES.—The
4 following activities are eligible for implementation assist-
5 ance under subsection (a):

6 “(1) Security planning and the acquisition of
7 security and emergency response equipment.

8 “(2) Operating expenses.

9 “(3) Infrastructure acquisition and construction
10 of track and facilities.

11 “(4) Highway-rail grade crossing eliminations
12 and improvements.

13 “(5) Acquisition of rights-of-way, locomotives,
14 rolling stock, track, and signal equipment.

15 “(c) CRITERIA FOR DETERMINING ASSISTANCE FOR
16 IMPLEMENTATION ACTIVITIES.—The Secretary, in select-
17 ing recipients of assistance under subsection (a), shall—

18 “(1) encourage the use of positive train control
19 technologies;

20 “(2) require that any project meet any existing
21 safety regulations, and give preference to any project
22 determined by the Secretary to have particularly
23 high levels of safety;

24 “(3) encourage intermodal connectivity by locat-
25 ing train stations in or near airports, bus terminals,

1 subway stations, ferry ports, and other modes of
2 transportation;

3 “(4) ensure a general regional balance in pro-
4 viding such assistance and avoid the concentration
5 of a disproportionate dedication of available financial
6 assistance resources to a single project or region of
7 the country; and

8 “(5) ensure that any project is compatible with,
9 and operated in conformance with, plans developed
10 pursuant to the requirements of sections 134 and
11 135 of title 23, United States Code.

12 “(d) OPERATORS DEEMED RAIL CARRIERS.—A per-
13 son that conducts rail operations funded or otherwise re-
14 ceiving assistance under this section is deemed to be a rail
15 carrier for purposes of part A of subtitle IV, when so oper-
16 ating or performing such services.

17 “(e) DOMESTIC BUYING PREFERENCES.—

18 “(1) IN GENERAL.—In carrying out a project
19 assisted under this section, a recipient shall buy
20 only—

21 “(A) unmanufactured articles, material,
22 and supplies mined or produced in the United
23 States; or

24 “(B) manufactured articles, material, and
25 supplies manufactured in the United States

1 substantially from articles, material, and sup-
2 plies mined, produced, or manufactured in the
3 United States.

4 “(2) DE MINIMIS AMOUNT.—Paragraph (1) of
5 this subsection applies only when the cost of those
6 articles, material, or supplies bought is at least
7 \$1,000,000.

8 “(3) EXEMPTIONS.—On application of a recipi-
9 ent, the Secretary of Transportation may exempt a
10 recipient from the requirements of this subsection if
11 the Secretary decides that, for particular articles,
12 material, or supplies—

13 “(A) the requirements of paragraph (1) of
14 this subsection are inconsistent with the public
15 interest;

16 “(B) the cost of imposing those require-
17 ments is unreasonable; or

18 “(C) the articles, material, or supplies, or
19 the articles, material, or supplies from which
20 they are manufactured, are not mined, pro-
21 duced, or manufactured in the United States in
22 sufficient and reasonably available commercial
23 quantities and are not of a satisfactory quality.

24 “(4) UNITED STATES DEFINED.—In this sub-
25 section, the term ‘the United States’ means the

1 States, territories, and possessions of the United
 2 States and the District of Columbia.

3 “(f) SECTION DOES NOT APPLY TO CERTAIN RAIL
 4 OPERATIONS.—Nothing in this section applies to—

5 “(1) commuter rail passenger transportation
 6 (as defined in section 24102(4)) operations of a
 7 State or local government authority (as those terms
 8 are defined in section 5302(11) and (6), respec-
 9 tively) eligible to receive financial assistance under
 10 section 5307, or to its contractor performing services
 11 in connection with commuter rail passenger oper-
 12 ations (as so defined); or

13 “(2) the Alaska Railroad or its contractors.”.

14 (b) RULEMAKING REQUIRED.—Within 90 days after
 15 the date of enactment of this Act, the Secretary of Trans-
 16 portation shall initiate a rulemaking to create an applica-
 17 tion and qualification procedure for providing high-speed
 18 rail corridor implementation assistance under section
 19 26101A of title 49, United States Code.

20 (c) PROCEDURES FOR GRANT AWARD.—Within 90
 21 days after the date of enactment of this Act, the Secretary
 22 of Transportation shall initiate a rulemaking to create
 23 procedures for the awarding of implementation assistance
 24 under this section. The Procedures shall include the execu-

tion of a full funding grant agreement between the applicant and the government.

(d) COMPETITIVE BIDDING ON HIGH-SPEED RAIL ROUTES.—The Secretary of Transportation shall determine that a State or group of States and other public agencies promoting a high-speed rail project under the provisions of section 26101A of title 49, United States Code, as a condition of receiving funding under such section, has provided for competitive bidding for the project in accordance with the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (49 CFR section 18.36). Within 180 days after the date of enactment of this Act, the Secretary, in consultation with the States or groups of States and other public agencies, shall issue criteria for the services to which the competitive bidding by this section applies. A train operator selected under section 26101A of title 49, United States Code, is deemed to be a rail carrier for purposes of part A of subtitle 49, United States Code, when performing such services.

(e) CONFORMING AMENDMENT.—The chapter analysis for chapter 261 is amended by inserting after the item relating to section 26101 the following:

“26101A. Implementation of corridor plans”.

1 **SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.**

2 (a) IN GENERAL.—The Secretary of Transportation
3 shall give priority in allocating funds authorized by section
4 26104 of title 49, United States Code, to designated high-
5 speed rail corridors.

6 (b) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—
7 For purposes of subsection (a), the following shall be con-
8 sidered to be designated high-speed rail corridors:

9 (1) California Corridor connecting the San
10 Francisco Bay area and Sacramento to Los Angeles
11 and San Diego.

12 (2) Chicago Hub Corridor Network with the fol-
13 lowing spokes:

14 (A) Chicago to Detroit.

15 (B) Chicago to Minneapolis/St. Paul, Min-
16 nesota, via Milwaukee, Wisconsin.

17 (C) Chicago to Kansas City, Missouri, via
18 Springfield, Illinois, and St. Louis, Missouri.

19 (D) Chicago to Louisville, Kentucky, via
20 Indianapolis, Indiana, and Cincinnati, Ohio.

21 (E) Chicago to Cleveland, Ohio, via Toledo,
22 Ohio.

23 (F) Cleveland, Ohio, to Cincinnati, Ohio,
24 via Columbus, Ohio.

1 (3) Empire State Corridor from New York City,
 2 New York, through Albany, New York, to Buffalo,
 3 New York.

4 (4) Florida High-Speed Rail Corridor from
 5 Tampa through Orlando to Miami.

6 (5) Gulf Coast Corridor from Houston, Texas,
 7 through New Orleans, Louisiana, to Mobile, Ala-
 8 bama, with a branch from New Orleans, through
 9 Meridian, Mississippi, and Birmingham, Alabama, to
 10 Atlanta, Georgia.

11 (6) Keystone Corridor from Philadelphia, Penn-
 12 sylvania, through Harrisburg, Pennsylvania, to
 13 Pittsburgh, Pennsylvania.

14 (7) Northeast Corridor from Washington, Dis-
 15 trict of Columbia, through New York City, New
 16 York, New Haven, Connecticut, and Providence,
 17 Rhode Island, to Boston, Massachusetts, with a
 18 branch from New Haven, Connecticut, to Spring-
 19 field, Massachusetts.

20 (8) New England Corridor from Boston, Massa-
 21 chusetts, to Portland and Auburn, Maine, and from
 22 Boston, Massachusetts, through Concord, New
 23 Hampshire, and Montpelier, Vermont, to Montreal,
 24 Quebec.

1 (9) Pacific Northwest Corridor from Eugene,
2 Oregon, through Portland, Oregon, and Seattle,
3 Washington, to Vancouver, British Columbia.

4 (10) South Central Corridor from San Antonio,
5 Texas, through Dallas/Fort Worth to Little Rock,
6 Arkansas, with a branch from Dallas/Fort Worth
7 through Oklahoma City, Oklahoma, to Tulsa, Okla-
8 homa.

9 (11) Southeast Corridor from Washington, Dis-
10 trict of Columbia, through Richmond, Virginia, Ra-
11 leigh, North Carolina, Columbia, South Carolina,
12 Savannah, Georgia, and Jessup, Georgia, to Jack-
13 sonville, Florida, with—

14 (A) a branch from Raleigh, North Caro-
15 lina, through Charlotte, North Carolina, and
16 Greenville, South Carolina, to Atlanta, Georgia;
17 a branch from Richmond, to Hampton Roads/
18 Norfolk, Virginia;

19 (B) a branch from Charlotte, North Caro-
20 lina, to Columbia, South Carolina, to Charles-
21 ton, South Carolina;

22 (C) a connecting route from Atlanta, Geor-
23 gia, to Jessup, Georgia;

24 (D) a connecting route from Atlanta, Geor-
25 gia, to Charleston, South Carolina; and

1 (E) a branch from Raleigh, North Caro-
 2 lina, through Florence, South Carolina, to
 3 Charleston, South Carolina, and Savannah,
 4 Georgia, with a connecting route from Florence,
 5 South Carolina, to Myrtle Beach, South Caro-
 6 lina.

7 (12) Southwest Corridor from Los Angeles,
 8 California, to Las Vegas, Nevada.

9 (c) OTHER HIGH-SPEED RAIL CORRIDORS.—For
 10 purposes of this section, subsection (b)—

11 (1) does not limit the term “designated high-
 12 speed rail corridor” to those corridors described in
 13 subsection (b); and

14 (2) does not limit the Secretary of Transpor-
 15 tation’s authority—

16 (A) to designate additional high-speed rail
 17 corridors; or

18 (B) to terminate the designation of any
 19 high-speed rail corridor.

20 **SEC. 205. LABOR STANDARDS.**

21 (a) CURRENT EMPLOYEE PROTECTIONS.—Nothing
 22 in this Act, or in any amendment made by this Act, shall
 23 affect the level of protection provided to freight railroad
 24 employees, employees of the National Passenger Railroad

1 Corporation, and mass transportation employees as it ex-
 2 isted on the day before the date of enactment of this Act.

3 (b) LABOR STANDARDS.—

4 (1) PREVAILING WAGES.—The Secretary of
 5 Transportation—

6 (A) shall ensure that laborers and mechan-
 7 ics employed by contractors and subcontractors
 8 in construction work financed in whole or in
 9 part by funds authorized by this Act will be
 10 paid wages not less than those prevailing on
 11 similar construction in the locality, as deter-
 12 mined by the Secretary of Labor under the Act
 13 of March 3, 1931 (known as the Davis-Bacon
 14 Act; 40 U.S.C. 276a et seq.); and

15 (B) may make such funds available with
 16 respect to construction work only after being
 17 assured that required labor standards will be
 18 maintained on the construction work.

19 (2) WAGE RATES.—Wage rates in a collective
 20 bargaining agreement negotiated under the Railway
 21 Labor Act (45 U.S.C. 151 et seq.) are deemed for
 22 purposes of this subsection to comply with the Act
 23 of March 3, 1931 (known as the Davis-Bacon Act;
 24 40 U.S.C. 276a et seq.).

1 (3) EMPLOYEE PROTECTION.—The Secretary of
 2 Transportation shall require as a condition of any
 3 project financed in whole or in part by funds author-
 4 ized by this title that the project be conducted in a
 5 manner that provides a fair arrangement at least as
 6 protective of the interests of employees who are af-
 7 fected by the project so funded as the terms imposed
 8 under arrangements reached under section 141 of
 9 the Amtrak Reform and Accountability Act of 1997
 10 (49 U.S.C. 24706 note).

11 **SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED**
 12 **RAIL CORRIDORS.**

13 (a) IN GENERAL.—The entire cost of construction of
 14 projects for the elimination of hazards of railway-highway
 15 crossings in designated high-speed rail corridors, including
 16 the separation or protection of grades at crossings, the
 17 reconstruction of existing railroad grade crossing struc-
 18 tures, and the relocation of highways to eliminate grade
 19 crossings, may be paid from sums authorized by sub-
 20 section (k). In any case when the elimination of the haz-
 21 ards of a railway-highway crossing can be effected by the
 22 relocation of a portion of a railway at a cost estimated
 23 by the Secretary of Transportation to be less than the cost
 24 of such elimination by one of the methods mentioned in
 25 the first sentence of this section, then the entire cost of

1 such relocation project may be paid from sums authorized
2 by subsection (k).

3 (b) CLASSIFICATION OF PROJECTS.—The Secretary
4 may classify the various types of projects involved in the
5 elimination of hazards of high-speed rail corridor railway-
6 highway crossings, and may set for each such classifica-
7 tion a percentage of the costs of construction which shall
8 be deemed to represent the net benefit to the railroad or
9 railroads for the purpose of determining the railroad's
10 share of the cost of construction. The percentage so deter-
11 mined shall in no case exceed 10 per cent of such costs.
12 The Secretary shall determine the appropriate classifica-
13 tion of each project.

14 (c) LIABILITY OF RAILROAD.—Any railroad involved
15 in a project for the elimination of hazards of railway-high-
16 way crossings paid for in whole or in part from sums made
17 available under this section shall be liable to the United
18 States for the net benefit to the railroad determined under
19 the classification of such project made under subsection
20 (b). That liability to the United States may be discharged
21 by direct payment to the State transportation department
22 of the State in which the project is located, in which case
23 such payment shall be credited to the cost of the project.
24 The payment may consist in whole or in part of materials
25 and labor furnished by the railroad in connection with the

1 construction of the project. If any such railroad fails to
2 discharge such liability within a 6-month period after com-
3 pletion of the project, it shall be liable to the United States
4 for its share of the cost, and the Secretary shall request
5 the Attorney General to institute proceedings against such
6 railroad for the recovery of the amount for which it is lia-
7 ble under this subsection. The Attorney General is author-
8 ized to bring such proceedings on behalf of the United
9 States, in the appropriate district court of the United
10 States, and the United States shall be entitled in such pro-
11 ceedings to recover such sums as it is considered and ad-
12 judged by the court that such railroad is liable for in the
13 premises. Any amounts recovered by the United States
14 under this subsection shall be credited to miscellaneous
15 receipts.

16 (d) SURVEY AND SCHEDULE OF PROJECTS.—For
17 purposes of this section, each State shall utilize the survey
18 it is required to conduct and maintain under section 130
19 of title 23, United States Code, to identify those high-
20 speed rail corridor railway-highway crossings that may re-
21 quire separation, relocation, or protective devices.

22 (e) FUNDS FOR PROTECTIVE DEVICES.—The Sec-
23 retary shall give priority under this section to the elimi-
24 nation of high-speed rail corridor railway-highway grade
25 crossings, but shall make funds authorized for obligation

1 or expenditure under this section available for the installa-
2 tion of protective devices at high-speed rail corridor rail-
3 way-highway crossings where appropriate.

4 (f) ANNUAL REPORT.—The Secretary shall report to
5 the Senate Committee on Commerce, Science, and Trans-
6 portation and the House of Representatives Committee on
7 Transportation and Infrastructure not later than Decem-
8 ber 30 of each year on the progress being made to imple-
9 ment the railway-highway crossings program authorized
10 by this section and the effectiveness of such improvements.
11 Each report shall contain an assessment of the costs of
12 the various treatments employed and subsequent accident
13 experience at improved locations. The report shall in-
14 clude—

15 (1) the number of projects undertaken, their
16 distribution by cost range, road system, nature of
17 treatment, and subsequent accident experience at
18 improved locations;

19 (2) an analysis and evaluation of the program
20 activities in each State, including identification of
21 any State found not to be in compliance with the
22 schedule of improvements required by subsection (d);
23 and

24 (3) recommendations for future implementation
25 of the railway-highway crossings program under this

1 section and section 130 of title 23, United States
2 Code.

3 (g) USE OF FUNDS FOR MATCHING.—Funds author-
4 ized to be appropriated to carry out this section may be
5 used to provide a local government with funds to be used
6 on a matching basis when State funds are available which
7 may only be spent when the local government produces
8 matching funds for the improvement of railway-highway
9 crossings.

10 (h) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING
11 CLOSURES.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of this section and subject to paragraphs
14 (2) and (3), the Secretary may make incentive pay-
15 ments to a local government upon the permanent
16 closure by such government of public at-grade high-
17 speed rail corridor railway-highway crossings under
18 its jurisdiction.

19 (2) INCENTIVE PAYMENTS BY RAILROADS.—
20 The Secretary may not make an incentive payment
21 under paragraph (1) to a local government with re-
22 spect to the closure of a crossing unless the railroad
23 owning or operating the tracks on which the crossing
24 is located makes an incentive payment to the govern-
25 ment with respect to the closure.

1 (3) AMOUNT OF FEDERAL INCENTIVE PAY-
 2 MENT.—The amount of the incentive payment pay-
 3 able to a local government under paragraph (1) with
 4 respect to a crossing may not exceed the lesser of—

5 (A) the amount of the incentive payment
 6 paid to the government with respect to the
 7 crossing by the railroad concerned under para-
 8 graph (2); or

9 (B) \$ 7,500.

10 (i) COORDINATION WITH TITLE 23 PROGRAM.—In
 11 carrying out this section, the Secretary shall—

12 (1) implement this section in accordance with
 13 the classification of projects and railroad share of
 14 the cost as provided in section 646.210 of title 23,
 15 Code of Federal Regulations; and

16 (2) coordinate the administration of this section
 17 with the program established by section 130 of title
 18 23, United States Code, in order to avoid duplication
 19 of effort and to ensure the effectiveness of both pro-
 20 grams.

21 (j) FUNDING.—Not less than 10 percent of the
 22 amounts appropriated for each fiscal year to carry out sec-
 23 tion 26101A shall be obligated or expended to carry out
 24 this section.

1 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 26104 is amended to read as follows:

3 **“§ 26104. Authorization of appropriations**

4 “(a) FISCAL YEARS 2004 THROUGH 2008.—There
5 are authorized to be appropriated to the Secretary for
6 each of fiscal years 2004 through 2008—

7 “(1) \$25,000,000 for carrying out section
8 26101;

9 “(2) \$1,500,000,000 for carrying out section
10 26101A, including amounts set aside under section
11 206(k) of the National Defense Rail Act to carry out
12 section 206 of that Act; and

13 “(3) \$25,000,000 for carrying out section
14 26102.

15 “(b) FUNDS TO REMAIN AVAILABLE.—Funds made
16 available under this section shall remain available until ex-
17 pended.

18 “(c) SPECIAL RULE.—Except as specifically provided
19 in section 26101, 26101A, or 26102, no amount author-
20 ized by subsection (a) may be used for obligation or ex-
21 penditure on the Boston-to-Washington segment of the
22 Northeast Corridor while that segment is receiving Fed-
23 eral funds for capital or operating expenses.”.

1 **TITLE III—NATIONAL RAILROAD**
2 **PASSENGER CORPORATION**

3 **SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPOR-**
4 **TATION SYSTEM DEFINED.**

5 (a) IN GENERAL.—Section 24102 is amended—

6 (1) by striking paragraph (2);

7 (2) by redesignating paragraphs (3), (4), and
8 (5) as paragraphs (2), (3), and (4), respectively; and

9 (3) by inserting after paragraph (4) as so re-
10 designated the following:

11 “(5) ‘national rail passenger transportation sys-
12 tem’ means—

13 “(A) the segment of the Northeast Cor-
14 ridor between Boston, Massachusetts and
15 Washington, D.C.;

16 “(B) rail corridors that have been des-
17 ignated by the Secretary of Transportation as
18 high-speed corridors, but only after they have
19 been improved to permit operation of high-
20 speed service;

21 “(C) long-distance routes of more than
22 750 miles between endpoints operated by Am-
23 trak as of the date of enactment of the Na-
24 tional Defense Rail Act; and

1 “(D) short-distance corridors or routes op-
 2 erated as of the date of enactment of the Na-
 3 tional Defense Rail Act, unless discontinued by
 4 Amtrak.”.

5 (b) AMTRAK ROUTES WITH STATE FUNDING.—

6 (1) IN GENERAL.—Chapter 247 is amended by
 7 inserting after section 27101 the following:

8 **“§ 24702. Transportation requested by States, au-**
 9 **thorities, and other persons**

10 “(a) CONTRACTS FOR TRANSPORTATION.—Amtrak
 11 and a State, a regional or local authority, or another per-
 12 son may enter into a contract for Amtrak to operate an
 13 intercity rail service or route not included in the national
 14 rail passenger transportation system upon such terms as
 15 the parties thereto may agree.

16 “(b) DISCONTINUANCE.—Upon termination of a con-
 17 tract entered into under this section, or the cessation of
 18 financial support under such a contract, Amtrak may dis-
 19 continue such service or route, notwithstanding any other
 20 provision of law.”.

21 (2) CONFORMING AMENDMENT.—The chapter
 22 analysis for chapter 247 is amended by inserting
 23 after the item relating to section 24701 the fol-
 24 lowing:

“24702. Transportation requested by States, authorities, and other persons”.

1 (c) AMTRAK TO CONTINUE TO PROVIDE NON HIGH-
 2 SPEED SERVICES.—Nothing in this Act is intended to pre-
 3 clude Amtrak from restoring, improving, or developing
 4 non-high-speed intercity passenger rail service.

5 **SEC. 302. AMTRAK AUTHORIZATIONS.**

6 (a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

7 (1) TITLE 49 AMENDMENTS.—Chapter 241 is
 8 amended—

9 (A) by striking the last sentence of section
 10 24101(d); and

11 (B) by striking the last sentence of section
 12 24104(a).

13 (2) AMTRAK REFORM AND ACCOUNTABILITY
 14 ACT AMENDMENTS.—Title II of the Amtrak Reform
 15 and Accountability Act of 1997 (49 U.S.C. 24101
 16 nt) is amended by striking sections 204 and 205.

17 (3) COMMON STOCK REDEMPTION DATE.—Sec-
 18 tion 415 of the Amtrak Reform and Accountability
 19 Act of 1997 (49 U.S.C. 24304 nt) is amended by
 20 striking subsection (b).

21 (b) LEASE ARRANGEMENTS.—Amtrak may obtain
 22 services from the Administrator of General Services, and
 23 the Administrator may provide services to Amtrak, under
 24 section 201(b) and 211(b) of the Federal Property and

1 Administrative Service Act of 1949 (40 U.S.C. 481(b) and
2 491(b)) for each of fiscal years 2004 through 2008.

3 (c) FINANCIAL POWERS.—Section 415(d) of the Am-
4 trak Reform and Accountability Act of 1997 by adding
5 at the end the following:

6 “(3) This section does not affect the applica-
7 bility of section 3729 of title 31, United States
8 Code, to claims made against Amtrak.”.

9 **SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.**

10 (a) EXCESS RRTA.—There are authorized to be ap-
11 propriated to the Secretary of Transportation for the use
12 of Amtrak for each of fiscal years 2004 through 2008,
13 an amount equal to the amount Amtrak must pay under
14 section 3221 of the Internal Revenue Code of 1986 in fis-
15 cal years that is more than the amount needed for benefits
16 for individuals who retire from Amtrak and for their bene-
17 ficiaries.

18 (b) PRINCIPAL AND INTEREST PAYMENTS.—

19 (1) PRINCIPAL ON DEBT SERVICE.—There are
20 authorized to be appropriated to the Secretary of
21 Transportation for the use of Amtrak for retirement
22 of principal on loans for capital equipment, or cap-
23 ital leases, the following amounts:

24 (A) For fiscal year 2004, \$116,400,000.

25 (B) For fiscal year 2005, \$109,400,000.

1 (C) For fiscal year 2006, \$114,400,000.

2 (D) For fiscal year 2007, \$202,800,000.

3 (E) For fiscal year 2008, \$164,500,000.

4 (2) INTEREST ON DEBT.—There are authorized
5 to be appropriated to the Secretary of Transpor-
6 tation for the use of Amtrak for the payment of in-
7 terest on loans for capital equipment, or capital
8 leases, the following amounts:

9 (A) For fiscal year 2004, \$163,300,000.

10 (B) For fiscal year 2005, \$153,000,000.

11 (C) For fiscal year 2006, \$148,400,000.

12 (D) For fiscal year 2007, \$139,000,000.

13 (E) For fiscal year 2008, \$130,000,000.

14 (c) ENVIRONMENTAL COMPLIANCE.—There are au-
15 thorized to be appropriated to the Secretary of Transpor-
16 tation for the use of Amtrak for each of fiscal years 2004
17 through 2008, \$30,000,000, of which one-third shall be
18 obligated or expended on the Northeast Corridor and two-
19 thirds shall be obligated or expended outside the North-
20 east Corridor, in order to comply with environmental regu-
21 lations.

22 (d) ACCESSIBILITY FOR ELDERLY AND PERSONS
23 WITH DISABILITIES.—

24 (1) IN GENERAL.—There are authorized to be
25 appropriated to the Secretary of Transportation for

1 the use of Amtrak, for each of fiscal years 2004
 2 through 2008, \$43,000,000 to assist in improving
 3 accessibility for the elderly and people with disabili-
 4 ties in Amtrak facilities and stations, including an
 5 initial assessment of the full set of accessibility
 6 needs across the national rail passenger transpor-
 7 tation system, of which—

8 (A) \$10,000,000 shall be obligated or ex-
 9 pended on the Northeast Corridor; and

10 (B) \$33,000,000 shall be obligated or ex-
 11 pended outside the Northeast Corridor.

12 (2) STUDY OF COMPLIANCE REQUIREMENTS AT
 13 EXISTING INTERCITY RAIL STATIONS.—Amtrak shall
 14 evaluate the improvements necessary to make all ex-
 15 isting stations it serves readily accessible to and usa-
 16 ble by individuals with disabilities, as required by
 17 section 242(e)(2) of the Americans with Disabilities
 18 Act of 1990 (42 U.S.C. 12162(e)(2)). The evalua-
 19 tion shall include the estimated cost of the improve-
 20 ments necessary, the identification of the responsible
 21 person (as defined in section 241(5) of that Act (42
 22 U.S.C. 12161(5))), and the earliest practicable date
 23 when such improvements can be made. Amtrak shall
 24 submit the survey to the Senate Committee on Com-
 25 merce, Science, and Transportation, the House of

1 Representatives Committee on Transportation and
 2 Infrastructure, and the National Council on Dis-
 3 ability by September 30, 2005, along with rec-
 4 ommendations for funding the necessary improve-
 5 ments.

6 (e) REINVESTMENT OF NET REVENUES FROM NON-
 7 PASSENGER OPERATIONS.—Amtrak shall apply any net
 8 revenues from non-passenger operations to the railroad’s
 9 working capital for use in satisfying systemwide current
 10 liabilities. When Amtrak’s working capital has improved
 11 to the point at which Amtrak’s liquid assets are sufficient
 12 to satisfy projected short-term liabilities, Amtrak shall in-
 13 vest any excess net non-passenger revenues in high pri-
 14 ority capital projects.

15 **SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.**

16 (a) IN GENERAL.—There are authorized to be appro-
 17 priated to the Secretary of Transportation for the use of
 18 Amtrak for each of fiscal years 2004 through 2008, the
 19 following amounts:

20 (1) \$370,000,000 for capital backlog on infra-
 21 structure on the Northeast Corridor to bring infra-
 22 structure up to state-of-good-repair, including re-
 23 newal of the South End electric traction system, im-
 24 provements on bridges and tunnels, and interlocking
 25 and signal system renewal.

1 (2) \$60,000,000 for capital backlog on fleet to
2 bring existing fleet to a state-of-good-repair, includ-
3 ing equipment replacement and upgrades necessary
4 to meet current service commitments.

5 (3) \$40,000,000 for capital backlog on stations
6 and facilities, including improvements to the facility
7 and platform at the existing Penn Station, and
8 bringing maintenance-of-way facilities up to state-of-
9 good-repair.

10 (4) \$350,000,000 for ongoing capital infra-
11 structure—

12 (A) to replace assets on a life-cycle basis;

13 (B) to ensure that a state-of-good-repair is
14 maintained in order to meet safety and reli-
15 ability standards; and

16 (C) to meet current service commitments.

17 (5) \$40,000,000 for ongoing capital fleet invest-
18 ment to sustain regularly scheduled maintenance, in-
19 cluding a 120-day cycle of preventive maintenance,
20 and heavy overhauls on a 4-year schedule, with inte-
21 rior enhancements as needed.

22 (6) \$30,000,000 for ongoing capital improve-
23 ments to stations and facilities to provide for regular
24 upgrades to stations to meet current service needs,

1 and regular improvements to maintenance-of-equip-
2 ment and maintenance-of-way facilities.

3 (7) \$20,000,000 for ongoing technology up-
4 grades of reservation, distribution, financial, and op-
5 erations systems, including hardware, software, in-
6 frastructure, and communications.

7 (b) LIFE SAFETY NEEDS.—There are authorized to
8 be appropriated to the Secretary of Transportation for the
9 use of Amtrak for fiscal year 2004:

10 (1) \$677,000,000 for the 6 New York tunnels
11 built in 1910 to provide ventilation, electrical, and
12 fire safety technology upgrades, emergency commu-
13 nication and lighting systems, and emergency access
14 and egress for passengers.

15 (2) \$57,000,000 for the Baltimore & Potomac
16 tunnel built in 1872 to provide adequate drainage,
17 ventilation, communication, lighting, and passenger
18 egress upgrades.

19 (3) \$40,000,000 for the Washington, D.C.
20 Union Station tunnels built in 1904 under the Su-
21 preme Court and House and Senate Office Buildings
22 to improve ventilation, communication, lighting, and
23 passenger egress upgrades.

24 (c) INFRASTRUCTURE UPGRADES.—There are au-
25 thorized to be appropriated to the Secretary of Transpor-

1 tation for the use of Amtrak for fiscal year 2004,
 2 \$3,000,000 for the preliminary design of options for a new
 3 tunnel on a different alignment to augment the capacity
 4 of the existing Baltimore tunnels, such funds to remain
 5 available until expended.

6 (d) CORRIDOR GROWTH INVESTMENT.—There are
 7 authorized to be appropriated to the Secretary of Trans-
 8 portation for the use of Amtrak for corridor growth invest-
 9 ments in the Northeast Corridor—

10 (1) For fiscal year 2004, \$200,000,000.

11 (2) For fiscal year 2005, \$300,000,000.

12 (3) For fiscal year 2006, \$400,000,000.

13 (4) For fiscal year 2007, \$500,000,000.

14 (5) For fiscal year 2008, \$600,000,000.

15 (e) FINANCIAL CONTRIBUTION FROM OTHER TUN-
 16 NEL USERS.—The Secretary shall, taking into account the
 17 need for the timely completion of all life safety portions
 18 of the tunnel projects described in subsection (b)—

19 (1) consider the extent to which rail carriers
 20 other than Amtrak use the tunnels;

21 (2) consider the feasibility of seeking a financial
 22 contribution from those other rail carriers toward
 23 the costs of the projects; and

24 (3) obtain financial contributions or commit-
 25 ments from such other rail carriers if feasible.

1 (f) AVAILABILITY OF FUNDS.—Amounts appro-
 2 priated pursuant to this section shall remain available
 3 until expended.

4 (g) REINVESTMENT OF NORTHEAST CORRIDOR NET
 5 OPERATING REVENUES.—Amtrak shall invest any net
 6 revenue generated from core passenger operations in the
 7 Northeast Corridor in capital needs of the corridor until
 8 the backlog of capital improvements is completed under
 9 Amtrak’s 20-year capital plan.

10 **SEC. 305. LONG DISTANCE TRAINS.**

11 (a) IN GENERAL.—There are authorized to be appro-
 12 priated to the Secretary of Transportation for the use of
 13 Amtrak for each of fiscal years 2004 through 2008,
 14 \$360,000,000 for operating costs associated with long dis-
 15 tance trains.

16 (b) CAPITAL BACKLOG AND UPGRADES.—There are
 17 authorized to be appropriated to the Secretary of Trans-
 18 portation for the use of Amtrak for each of fiscal years
 19 2004 through 2008, \$70,000,000 to reduce the capital
 20 backlog and to bring its existing fleet to a state-of-good-
 21 repair, including equipment replacement and upgrades
 22 necessary to meet current service commitments.

23 (c) ONGOING CAPITAL INFRASTRUCTURE INVEST-
 24 MENTS.—There are authorized to be appropriated to the
 25 Secretary of Transportation for the use of Amtrak for

1 each of fiscal years 2004 through 2008, \$80,000,000 for
2 ongoing capital infrastructure—

3 (1) to replace assets on a life-cycle basis;

4 (2) to ensure that a state-of-good-repair is
5 maintained in order to meet safety and reliability
6 standards;

7 (3) to meet current service commitments; and

8 (4) to provide funds for investment in partner
9 railroads to operate passenger service at currently
10 committed levels.

11 (d) CAPITAL FLEET NEEDS.—There are authorized
12 to be appropriated to the Secretary of Transportation for
13 the use of Amtrak for each of fiscal years 2004 through
14 2008, \$50,000,000 for ongoing capital fleet needs to sus-
15 tain regularly scheduled maintenance, including a 120-day
16 cycle of preventive maintenance, and heavy overhauls on
17 a 4-year schedule, with interior enhancements as needed.

18 (e) CAPITAL STATIONS AND FACILITIES.—There are
19 authorized to be appropriated to the Secretary of Trans-
20 portation for the use of Amtrak for each of fiscal years
21 2004 through 2008, \$10,000,000 for ongoing capital sta-
22 tions and facilities needs to provide regular upgrades to
23 stations to meet current service needs, and regular im-
24 provements to maintenance-of-way equipment and mainte-
25 nance-of-way facilities.

1 (f) TECHNOLOGY NEEDS.—There are authorized to
 2 be appropriated to the Secretary of Transportation for the
 3 use of Amtrak for each of fiscal years 2004 through 2008,
 4 \$10,000,000 for ongoing technology needs to upgrade res-
 5 ervation, distribution, financial, and operations systems,
 6 including hardware, software, infrastructure, and commu-
 7 nications.

8 **SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED**
 9 **ROUTES.**

10 There are authorized to be appropriated to the Sec-
 11 retary of Transportation for the use of Amtrak for each
 12 of fiscal years 2004 through 2008, for obligation and ex-
 13 penditure on routes outside the Northeast Corridor—

14 (1) \$20,000,000 for capital backlog on infra-
 15 structure to bring infrastructure up to a state-of-
 16 good-repair, including improvements on bridges and
 17 tunnels that are approaching the end of their useful
 18 life and interlocking and signal system renewal;

19 (2) \$10,000,000 for capital backlog on its fleet
 20 to bring Amtrak's existing fleet as of the date of en-
 21 actment of this Act to a state-of-good-repair, includ-
 22 ing equipment replacement and upgrades necessary
 23 to meet current service commitments;

24 (3) \$170,000,000 for ongoing capital infra-
 25 structure to replace assets on a life-cycle basis to en-

1 sure a state-of-good-repair is maintained in order to
 2 meet safety and reliability standards needed to de-
 3 liver current service commitments, including invest-
 4 ment in partner railroads to operate passenger serv-
 5 ice at currently committed levels;

6 (4) \$40,000,000 for ongoing capital fleet needs
 7 to sustain regularly scheduled maintenance, includ-
 8 ing a 120-day cycle preventive maintenance sched-
 9 ule, and heavy overhauls on a 4-year schedule, with
 10 interior enhancements as needed;

11 (5) \$10,000,000 for ongoing capital stations
 12 and facilities needs to provide regular upgrades to
 13 stations to meet current service needs, and regular
 14 improvements to maintenance-of-way equipment and
 15 maintenance-of-way facilities; and

16 (6) \$20,000,000 for ongoing technology needs
 17 to upgrade of reservation, distribution, financial, and
 18 operations systems, including hardware, software, in-
 19 frastructure and communications.

20 **SEC. 307. RE-ESTABLISHMENT OF NORTHEAST CORRIDOR**
 21 **SAFETY COMMITTEE.**

22 (a) RE-ESTABLISHMENT OF NORTHEAST CORRIDOR
 23 SAFETY COMMITTEE.—The Secretary of Transportation
 24 shall re-establish the Northeast Corridor Safety Com-

1 mittee authorized by section 24905(b) of title 49, United
2 States Code.

3 (b) **TERMINATION DATE.**—Section 24905(b)(4) is
4 amended by striking “January 1, 1999,” and inserting
5 “January 1, 2008,”.

6 **SEC. 308. ON-TIME PERFORMANCE.**

7 Section 24308 is amended by adding at the end the
8 following:

9 “(f) **ON-TIME PERFORMANCE.**—If the on-time per-
10 formance of any intercity passenger train averages less
11 than 80 percent for any consecutive 3-month period, Am-
12 trak may petition the Surface Transportation Board to in-
13 vestigate whether, and to what extent, delays are due to
14 causes that could reasonably be addressed by a rail carrier
15 over the tracks of which the intercity passenger train oper-
16 ates, or by a regional authority providing commuter serv-
17 ice, if any. In carrying out such an investigation, the Sur-
18 face Transportation Board shall obtain information from
19 all parties involved and make recommendations regarding
20 reasonable measures to improve the on-time performance
21 of the train.”.

22 **SEC. 309. AMTRAK BOARD OF DIRECTORS.**

23 (a) **IN GENERAL.**—Section 24302 is amended to read
24 as follows:

1 **“§ 24302. Board of directors**

2 “(a) COMPOSITION AND TERMS.—

3 “(1) The board of directors of Amtrak is com-
4 posed of the following 9 directors, each of whom
5 must be a citizen of the United States:

6 “(A) The President of Amtrak.

7 “(B) The Secretary of Transportation.

8 “(C) 7 individuals appointed by the Presi-
9 dent of the United States, by and with the ad-
10 vice and consent of the Senate, with an interest,
11 experience, and qualifications in or directly re-
12 lated to rail transportation, including represent-
13 atives of freight and passenger rail transpor-
14 tation, travel, hospitality, cruise line, and pas-
15 senger air transportation businesses, consumers
16 of passenger rail transportation, and State gov-
17 ernment.

18 “(2) An individual appointed under paragraph
19 (1)(C) of this subsection serves for 5 years or until
20 the individual’s successor is appointed and qualified.
21 Not more than 4 individuals appointed under para-
22 graph (1)(C) may be members of the same political
23 party.

24 “(3) The board shall elect a chairman and a
25 vice chairman from among its membership. The vice

1 chairman shall serve as chairman in the absence of
2 the chairman.

3 “(4) The Secretary may be represented at
4 board meetings by the Secretary’s designee.

5 “(b) PAY AND EXPENSES.—Each director not em-
6 ployed by the United States Government is entitled to
7 \$300 a day when performing board duties and powers.
8 Each director is entitled to reimbursement for necessary
9 travel, reasonable secretarial and professional staff sup-
10 port, and subsistence expenses incurred in attending board
11 meetings.

12 “(c) VACANCIES.—A vacancy on the board is filled
13 in the same way as the original selection, except that an
14 individual appointed by the President of the United States
15 under subsection (a)(1)(C) of this section to fill a vacancy
16 occurring before the end of the term for which the prede-
17 cessor of that individual was appointed is appointed for
18 the remainder of that term. A vacancy required to be filled
19 by appointment under subsection (a)(1)(C) must be filled
20 not later than 120 days after the vacancy occurs.

21 “(d) BYLAWS.—The board may adopt and amend by-
22 laws governing the operation of Amtrak. The bylaws shall
23 be consistent with this part and the articles of incorpora-
24 tion.

1 “(e) CONFLICTS OF INTEREST.—Subparts D, E, and
 2 F of part 2635 of title 5, Code of Federal Regulations,
 3 shall apply to members of the board of directors during
 4 their term of office in the same manner as if they were
 5 employees of an executive agency (as defined in section
 6 105 of title 5, United States Code).”.

7 (b) CONFORMING AMENDMENT TO APPLY SAME
 8 STANDARD TO OFFICERS.—Section 24303(c) is amended
 9 to read as follows:

10 “(c) CONFLICTS OF INTEREST.—Subparts D, E, and
 11 F of part 2635 of title 5, Code of Federal Regulations,
 12 shall apply to officers when employed by Amtrak in the
 13 same manner as if they were employees of an executive
 14 agency (as defined in section 105 of title 5, United States
 15 Code).”.

16 (c) EFFECTIVE DATE FOR DIRECTORS’ PROVI-
 17 SION.—The amendment made by subsection (a) shall take
 18 effect on October 1, 2003. The members of the Amtrak
 19 Reform Board may continue to serve until 3 directors ap-
 20 pointed by the President under section 24302(a) of title
 21 49, United States Code, as amended by subsection (a),
 22 have qualified for office.

1 **SEC. 310. ESTABLISHMENT OF FINANCIAL ACCOUNTING**
2 **SYSTEM FOR AMTRAK OPERATIONS BY INDE-**
3 **PENDENT AUDITOR.**

4 (a) IN GENERAL.—The Inspector General of the De-
5 partment of Transportation shall employ an independent
6 financial consultant—

7 (1) to assess Amtrak’s financial accounting and
8 reporting system and practices;

9 (2) to design and assist Amtrak in imple-
10 menting a modern financial accounting and report-
11 ing system, on the basis of the assessment, that will
12 produce accurate and timely financial information in
13 sufficient detail—

14 (A) to enable Amtrak to assign revenues
15 and expenses appropriately to each of its lines
16 of business and to each major activity within
17 each line of business activity, including train
18 operations, equipment maintenance, ticketing,
19 and reservations;

20 (B) to aggregate expenses and revenues re-
21 lated to infrastructure and distinguish them
22 from expenses and revenues related to rail oper-
23 ations; and

24 (C) to provide ticketing and reservation in-
25 formation on a real-time basis.

1 (b) VERIFICATION OF SYSTEM; REPORT.—The In-
 2 specter General of the Department of Transportation shall
 3 review the accounting system designed and implemented
 4 under subsection (a) to ensure that it accomplishes the
 5 purposes for which it is intended. The Inspector General
 6 shall report his findings and conclusions, together with
 7 any recommendations, to the Senate Committee on Com-
 8 merce, Science, and Transportation and the House of Rep-
 9 resentatives Committee on Transportation and Infrastruc-
 10 ture.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to the Secretary of
 13 Transportation \$2,500,000 for fiscal year 2004 to carry
 14 out subsection (a), such sums to remain available until
 15 expended.

16 **SEC. 311. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.**

17 (a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—
 18 The Amtrak board of directors shall submit an annual
 19 budget for Amtrak, and a 5-year financial plan for the
 20 fiscal year to which that budget relates and the subsequent
 21 4 years, prepared in accordance with this section, to the
 22 Secretary of Transportation and the Inspector General of
 23 the Department of Transportation no later than—

24 (1) the first day of each fiscal year beginning
 25 after the date of enactment of this Act; or

1 (2) the date that is 60 days after the date of
2 enactment of an appropriation Act for the fiscal
3 year, if later.

4 (b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The
5 5-year financial plan for Amtrak shall include, at a min-
6 imum—

7 (1) all projected revenues and expenditures for
8 Amtrak, including governmental funding sources;

9 (2) projected ridership levels for all Amtrak
10 passenger operations;

11 (3) revenue and expenditure forecasts for non-
12 passenger operations;

13 (4) capital funding requirements and expendi-
14 tures necessary to maintain passenger service which
15 will accommodate predicted ridership levels and pre-
16 dicted sources of capital funding;

17 (5) operational funding needs, if any, to main-
18 tain current and projected levels of passenger serv-
19 ice, including state-supported routes and predicted
20 funding sources;

21 (6) projected capital and operating require-
22 ments, ridership, and revenue for any new passenger
23 service operations or service expansions;

24 (7) an assessment of the continuing financial
25 stability of Amtrak, as indicated by factors such as:

1 the ability of the federal government to adequately
 2 meet capital and operating requirements, Amtrak's
 3 access to long-term and short-term capital markets,
 4 Amtrak's ability to efficiently manage its workforce,
 5 and Amtrak's ability to effectively provide passenger
 6 train service;

7 (8) lump sum expenditures of \$10 million or
 8 more and sources of funding;

9 (9) estimates of long-term and short-term debt
 10 and associated principle and interest payments (both
 11 current and anticipated);

12 (10) annual cash flow forecasts; and

13 (11) a statement describing methods of esti-
 14 mation and significant assumptions.

15 (c) STANDARDS TO PROMOTE FINANCIAL STA-
 16 BILITY.—In meeting the requirements of subsection (b)
 17 with respect to a 5-year financial plan, Amtrak shall—

18 (1) apply sound budgetary practices, including
 19 reducing costs and other expenditures, improving
 20 productivity, increasing revenues, or combinations of
 21 such practices; and

22 (2) use the categories specified in the financial
 23 accounting and reporting system developed under
 24 section 310 when preparing its 5-year financial plan.

25 (d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

1 (1) IN GENERAL.—The Inspector General of
 2 the Department of Transportation shall assess the
 3 5-year financial plans prepared by Amtrak under
 4 this section to determine whether they meet the re-
 5 quirements of subsection (b), and may suggest revi-
 6 sions to any components thereof that do not meet
 7 those requirements.

8 (2) ASSESSMENT TO BE FURNISHED TO THE
 9 CONGRESS.—The Inspector General shall furnish to
 10 the House of Representatives Committee on Appro-
 11 priations, the Senate Committee on Appropriations,
 12 the House Committee on Transportation and Infra-
 13 structure, and the Senate Committee on Commerce,
 14 Science, and Transportation—

15 (A) an assessment of the annual budget
 16 within 90 days after receiving it from Amtrak;
 17 and

18 (B) an assessment of the remaining 4
 19 years of the 5-year financial plan within 180
 20 days after receiving it from Amtrak.

21 **SEC. 312. REVISED REPORTING METHODOLOGY REQUIRED.**

22 Within 90 days after the date of enactment of this
 23 Act, Amtrak, in consultation with the Comptroller Gen-
 24 eral, shall develop a revised methodology to be used in pre-
 25 paring the annual operations report required by section

1 24315(a) of title 49, United States Code, beginning with
 2 the report on operations for fiscal year 2002. The new
 3 report methodology shall specifically exclude non-core
 4 profits in calculating the performance of Amtrak's trains.

5 **SEC. 313. APPROPRIATED AMOUNTS TO BE SPENT PROPOR-**
 6 **TIONATELY.**

7 If for any fiscal year the sum of the amounts appro-
 8 priated to the Secretary of Transportation for the use of
 9 Amtrak is less than the sum of the amounts authorized
 10 by this title for that fiscal year, then Amtrak shall—

11 (1) first obligate amounts appropriated pursu-
 12 ant to the authorization in section 303(a); and

13 (2) then allocate its obligation and expenditure
 14 of the remainder of the amounts appropriated for
 15 that fiscal year pursuant to this title (except
 16 amounts authorized by section 304(b), (c), and (d))
 17 among the segments of the system in the same pro-
 18 portion as the authorizations were allocated among
 19 those segments by this title.

20 **SEC. 314. INDEPENDENT AUDITOR TO ESTABLISH CRITERIA**
 21 **FOR AMTRAK ROUTE AND SERVICE PLAN-**
 22 **NING DECISIONS.**

23 (a) INSPECTOR GENERAL TO HIRE CONSULTANT.—
 24 The Inspector General of the Department of Transpor-
 25 tation shall—

1 (1) execute a contract to obtain the services of
2 an independent auditor or consultant to define and
3 list past Amtrak criteria for Amtrak service changes,
4 and to establish objective criteria for Amtrak service
5 changes, including the establishment of new routes,
6 the elimination of existing routes, and the contrac-
7 tion or expansion of existing services;

8 (2) review the criteria developed under the con-
9 tract; and

10 (3) if the Inspector General approves the cri-
11 teria, transmit them to the Amtrak board of direc-
12 tors.

13 (b) INCORPORATION OF CRITERIA BY AMTRAK.—The
14 Amtrak board of directors shall incorporate the criteria
15 in—

16 (1) its route and service planning and decision-
17 making process; and

18 (2) its capital plans and budgets developed in
19 compliance with section 311 of this Act.

20 (c) NOTIFICATION OF CONGRESS WHERE NOT COM-
21 PLYING WITH CRITERIA.—The Amtrak board of directors
22 shall—

23 (1) notify the Senate Committee on Commerce,
24 Science, and Transportation and the House of Rep-
25 resentatives Committee on Transportation and In-

1 frastructure not less than 30 days before the imple-
 2 mentation date of any decision to establish a new
 3 route, terminate an existing route, or effect any
 4 other major change in service that is inconsistent
 5 with the criteria incorporated under subsection (b);
 6 and

7 (2) explain its decision not to follow the cri-
 8 teria.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 10 are authorized to be made available to the Inspector Gen-
 11 eral, out of any amounts appropriated to Amtrak pursuant
 12 to the authority of this Act and not otherwise obligated
 13 or expended, such sums as may be necessary to carry out
 14 this section.

15 **TITLE IV—MISCELLANEOUS**

16 **SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY** 17 **FINANCING.**

18 (a) DEFINITIONS.—Section 102(7) of the Railroad
 19 Revitalization and Regulatory Reform Act of 1976 (45
 20 U.S.C. 802(7)) is amended to read as follows:

21 “(7) ‘railroad’ has the meaning given that term
 22 in section 20102 of title 49, United States Code;
 23 and”.

1 (b) GENERAL AUTHORITY.—Section 502 of the Rail-
2 road Revitalization and Regulatory Reform Act of 1976
3 (45 U.S.C. 822) is amended—

4 (1) by striking “Secretary may provide direct
5 loans and loan guarantees to State and local govern-
6 ments,” in subsection (a) and inserting “Secretary
7 shall provide direct loans and loan guarantees to
8 State and local governments, interstate compacts en-
9 tered into under section 410 of the Amtrak Reform
10 and Accountability Act of 1997 (49 U.S.C. 24101
11 nt),”;

12 (2) by striking “or” in subsection (b)(1)(B);

13 (3) by redesignating subparagraph (C) of sub-
14 section (b)(1) as subparagraph (D); and

15 (4) by inserting after subparagraph (B) of sub-
16 section (b)(1) the following:

17 “(C) to acquire, improve, or rehabilitate
18 rail safety and security equipment and facilities;
19 or”.

20 (c) EXTENT OF AUTHORITY.—Section 502(d) of the
21 Railroad Revitalization and Regulatory Reform Act of
22 1976 (45 U.S.C. 822(d)) is amended—

23 (1) by striking “\$3,500,000,000” and inserting
24 “\$35,000,000,000”;

1 (2) by striking “\$1,000,000,000” and inserting
2 “\$7,000,000,000”; and

3 (3) by adding at the end the following new sen-
4 tence: “The Secretary shall not establish any limit
5 on the proportion of the unused amount authorized
6 under this subsection that may be used for 1 loan
7 or loan guarantee.”.

8 (d) COHORTS OF LOANS.—Section 502(f) of the Rail-
9 road Revitalization and Regulatory Reform Act of 1976
10 (45 U.S.C. 822(f)) is amended—

11 (1) in paragraph (2)—

12 (A) by striking “and” at the end of sub-
13 paragraph (D);

14 (B) by redesignating subparagraph (E) as
15 subparagraph (F); and

16 (C) by adding after subparagraph (D) the
17 following new subparagraph:

18 “(E) the size and characteristics of the co-
19 hort of which the loan or loan guarantee is a
20 member; and”; and

21 (2) by adding at the end of paragraph (4) the
22 following: “A cohort may include loans and loan
23 guarantees. The Secretary shall not establish any
24 limit on the proportion of a cohort that may be used
25 for 1 loan or loan guarantee.”.

1 (e) CONDITIONS OF ASSISTANCE.—Section 502 of the
2 Railroad Revitalization and Regulatory Reform Act of
3 1976 (45 U.S.C. 822) is amended—

4 (1) by striking “offered;” in subsection
5 (f)(2)(A) and inserting “offered, if any;”;

6 (2) by inserting “(1)” before “The Secretary”
7 in subsection (h) and redesignating paragraphs (1),
8 (2), and (3) of that subsection as subparagraphs
9 (A), (B), and (C); and

10 (3) by adding at the end of subsection (h) the
11 following:

12 “(2) The Secretary shall not require an applicant for
13 a direct loan or loan guarantee under this section to pro-
14 vide collateral.

15 “(3) The Secretary shall not require that an appli-
16 cant for a direct loan or loan guarantee under this section
17 have previously sought the financial assistance requested
18 from another source.

19 “(4) The Secretary shall require recipients of direct
20 loans or loan guarantees under this section to apply the
21 standards of section 22301(b) and (c) of title 49, United
22 States Code, to their projects.”.

23 (f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
24 Section 502 of the Railroad Revitalization and Regulatory

1 Reform Act of 1976 (45 U.S.C. 822) is amended by add-
 2 ing at the end the following:

3 “(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
 4 Not later than 180 days after receiving a complete appli-
 5 cation for a direct loan or loan guarantee under this sec-
 6 tion, the Secretary shall approve or disapprove the applica-
 7 tion.”.

8 (g) FEES AND CHARGES.—Section 503 of the Rail-
 9 road Revitalization and Regulatory Reform Act of 1976
 10 (45 U.S.C. 823) is amended—

11 (1) by adding at the end of subsection (k) the
 12 following: “Funds received by the Secretary under
 13 the preceding sentence shall be credited to the ap-
 14 propriation from which the expenses of making such
 15 appraisals, determinations, and findings were in-
 16 curred.”; and

17 (2) by adding at the end the following new sub-
 18 section:

19 “(m) FEES AND CHARGES.—Except as provided in
 20 this title, the Secretary may not assess any fees, including
 21 user fees, or charges in connection with a direct loan or
 22 loan guarantee provided under section 502.”.

23 (h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not
 24 later than 30 days after the date of the enactment of this
 25 Act, the Secretary of Transportation shall publish in the

1 Federal Register and post on the Department of Trans-
2 portation website the substantive criteria and standards
3 used by the Secretary to determine whether to approve
4 or disapprove applications submitted under section 502 of
5 the Railroad Revitalization and Regulatory Reform Act of
6 1976 (45 U.S.C. 822).

7 (i) OPERATORS DEEMED RAIL CARRIERS; LOANS
8 AND LOAN GUARANTEES FOR NON-RAILROAD ENTI-
9 TIES.—Section 502 of the Railroad Revitalization and
10 Regulatory Reform Act of 1976 (45 U.S.C. 822), as
11 amended by subsection (f), is amended by adding at the
12 end the following:

13 “(j) OPERATORS DEEMED RAIL CARRIERS.—A per-
14 son that conducts rail operations funded or otherwise re-
15 ceiving assistance under this section is deemed to be a rail
16 carrier for purposes of part A of subtitle IV of title 49,
17 United States Code, when so operating or performing such
18 services.

19 “(k) LOAN AND LOAN GUARANTEES FOR NON-RAIL-
20 ROAD ENTITIES.—Notwithstanding any other provision
21 of law, entities other than rail companies shall be eligible
22 for loans and loan guarantees under this section.”.

1 **SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PRO-**
 2 **GRAM.**

3 (a) IN GENERAL.—Chapter 249 is amended by add-
 4 ing at the end the following:

5 **“§ 24910. Passenger rail cooperative research pro-**
 6 **gram**

7 “(a) IN GENERAL.—The Secretary shall establish
 8 and carry out a rail passenger cooperative research pro-
 9 gram. The program shall—

10 “(1) address, among other matters, intercity
 11 rail passenger services, including existing rail pas-
 12 senger technologies and speeds, incrementally en-
 13 hanced rail systems and infrastructure, and new
 14 high-speed wheel-on-rail systems;

15 “(2) give consideration to research on com-
 16 muter rail, regional rail, freight rail, and other
 17 modes of rail transportation that may affect rail
 18 passenger transportation due to the interconnected-
 19 ness of the rail passenger network with other rail
 20 transportation services; and

21 “(3) give consideration to regional concerns re-
 22 garding rail passenger transportation, including
 23 meeting research needs common to designated high-
 24 speed corridors, long-distance rail services, and re-
 25 gional intercity rail corridors, projects, and entities.

1 “(b) CONTENTS.—The program to be carried out
2 under this section shall include research designed—

3 “(1) to identify the unique aspects and at-
4 tributes of rail passenger service;

5 “(2) to develop more accurate models for evalu-
6 ating the indirect effects of rail passenger service,
7 including the effects on highway and airport and air-
8 way congestion, environmental quality, and energy
9 consumption;

10 “(3) to develop a better understanding of modal
11 choice as it affects rail passenger transportation, in-
12 cluding development of better models to predict rid-
13 ership;

14 “(4) to recommend priorities for technology
15 demonstration and development;

16 “(5) to meet additional priorities as determined
17 by the advisory board established under subsection
18 (c), including any recommendations made by the Na-
19 tional Research Council;

20 “(6) to explore improvements in management,
21 financing, and institutional structures;

22 “(7) to address rail capacity constraints that
23 affect passenger rail service through a wide variety
24 of options, ranging from operating improvements to
25 dedicated new infrastructure, taking into account

1 the impact of such options on freight and commuter
2 rail operations; and

3 “(8) to improve maintenance, operations, cus-
4 tomer service, or other aspects of existing intercity
5 rail passenger service existing in 2003.

6 “(c) ADVISORY BOARD.—

7 “(1) ESTABLISHMENT.—In consultation with
8 the heads of appropriate Federal departments and
9 agencies, the Secretary shall establish an advisory
10 board to recommend research, technology, and tech-
11 nology transfer activities related to rail passenger
12 transportation.

13 “(2) MEMBERSHIP.—The advisory board shall
14 include—

15 “(A) representatives of State transpor-
16 tation agencies;

17 “(B) transportation and environmental
18 economists, scientists, and engineers; and

19 “(C) representatives of Amtrak, the Alaska
20 Railroad, transit operating agencies, intercity
21 rail passenger agencies, railway labor organiza-
22 tions, and environmental organizations.

23 “(d) NATIONAL ACADEMY OF SCIENCES.—The Sec-
24 retary may make grants to, and enter into cooperative
25 agreements with, the National Academy of Sciences to

1 carry out such activities relating to the research, tech-
 2 nology, and technology transfer activities described in sub-
 3 section (b) as the Secretary deems appropriate.”.

4 (b) CONFORMING AMENDMENT.—The chapter anal-
 5 ysis for chapter 249 is amended by adding at the end the
 6 following:

“24910. Passenger rail cooperative research program”.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated to the Secretary of
 9 Transportation \$5,000,000 for each of fiscal years 2004
 10 through 2008, to carry out section 24910(d) of title 49,
 11 United States Code.

12 **SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 RE-**
 13 **FLECTING ICC TERMINATION ACT.**

14 (a) SECTION 333.—Section 333 is amended—

15 (1) by striking “Interstate Commerce Commis-
 16 sion” each place it appears and inserting “Surface
 17 Transportation Board”; and

18 (2) by striking “Commission” in subsection (e)
 19 and inserting “Board”.

20 (b) SECTION 24307.—Section 24307(b)(3) is amend-
 21 ed by striking “Interstate Commerce Commission” and in-
 22 serting “Surface Transportation Board”.

23 (c) SECTION 24308.—Section 24308 is amended—

1 (1) by striking “Interstate Commerce Commis-
 2 sion” in subsection (a)(2)(A) and inserting “Surface
 3 Transportation Board”; and

4 (2) by striking “Commission” each place it ap-
 5 pears in subsections (a), (b), and (e) and inserting
 6 “Board”.

7 (d) SECTION 24311.—Section 24311 is amended—

8 (1) by striking “Interstate Commerce Commis-
 9 sion” in subsection (c)(1) and inserting “Surface
 10 Transportation Board”; and

11 (2) by striking “Commission” each place it ap-
 12 pears in subsection (c) and inserting “Board”.

13 (e) SECTION 24902.—Section 24902 is amended—

14 (1) by striking “Interstate Commerce Commis-
 15 sion” in subsections (g)(2) and (g)(3) and inserting
 16 “Surface Transportation Board”; and

17 (2) by striking “Commission” each place it ap-
 18 pears in subsections (g)(2) and (g)(3) and inserting
 19 “Board”.

20 (f) SECTION 24904.—Section 24904 is amended—

21 (1) by striking “Interstate Commerce Commis-
 22 sion” in subsection (c)(2) and inserting “Surface
 23 Transportation Board”; and

24 (2) by striking “Commission” each place it ap-
 25 pears in subsection (c) and inserting “Board”.

1 **SEC. 404. APPLICABILITY OF REVERSION TO ALASKA RAIL-**
2 **ROAD RIGHT-OF-WAY PROPERTY.**

3 Section 610(b) of the Alaska Railroad Transfer Act
4 of 1982 (45 U.S.C. 1209(b)) is amended—

5 (1) by inserting “(1)” after “DISCONTINU-
6 ANCE.—”;

7 (2) by redesignating paragraphs (1) and (2) as
8 subparagraphs (A) and (B), respectively; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(2)(A) The State-owned railroad may convey all
12 right, title, and interest of the State in any land within
13 the right-of-way to a third party in exchange for other
14 land that, in substitution for the land conveyed, is to be
15 utilized as part of the right-of-way if the continuity of the
16 right-of-way corridor for transportation, communications,
17 and transmission purposes is provided by such use of the
18 substituted land.

19 “(B) The provisions of this section that require rever-
20 sion shall apply to the substituted land, as of the effective
21 date of the exchange of that land in a transaction author-
22 ized by subparagraph (A), as fully as if the substituted
23 land had been rail properties of the Alaska Railroad as
24 of January 13, 1983.

- 1 “(C) Upon the conveyance of land in a transaction
- 2 authorized by subparagraph (A), any reversionary interest
- 3 in the land under this section shall terminate.”.

